



Illinois Department of Commerce and Economic Opportunity

Rod Blagojevich
Governor

Jack Lavin
Director

SECTION 3

Internet Address <http://www.commerce.state.il.us>

620 East Adams Street
Springfield, Illinois 62701-1615

217/782-7500
TDD: 800/785-6055

James R. Thompson Center
100 West Randolph Street, Suite 3-400
Chicago, Illinois 60601-3219
312/814-7179
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2309 West Main, Suite 118
Marion, Illinois 62959-1180

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ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NUMERICAL GOALS

FY 2009

NUMERICAL GOALS

I. Area to be addressed:

Underutilization of one (1) African American Official/Manager in Region 1.

Goal:

To eliminate underutilization of one (1) African American Official Manager in Cook County/ Region 1.

Objective:

As a vacancy occurs in Cook County/ Region 1, hire/promote a well qualified African American Official /Manager.

Action Item	Assignment of Responsibility	Completion Target Date	Monitoring Procedure
1. Work in conjunction with minority and protected advocacy groups for referrals of qualified applicants.	EEO Officer	Ongoing as vacancies occur	Quarterly Reports/DHR
2. Attend conferences and participate in career fairs to collect applications of well qualified African Americans in the Official /Manager category.	EEO Officer	Ongoing through FY 09	Quarterly Reports/DHR
3. Review promotion/hiring monitors and agency vacancies to be filled.	EEO Officer	Ongoing through FY 09	Monthly Personnel Reports

II. Area to be addressed:

Underutilization of two (2) Asians in Professional Category in Region 1.

Goal:

To eliminate underutilization of two (2) Asians Professional in Cook County/ Region 1.

Objective:

As vacancies occur in Cook County/ Region 1, hire/promote two (2) well qualified Asian Professionals.

Action Item	Assignment of Responsibility	Completion Target Date	Monitoring Procedure
1. Work in conjunction with minority and protected advocacy groups for referrals of qualified applicants.	EEO Officer	Ongoing as vacancies occur	Quarterly Reports/DHR
2. Attend conferences and participate in career fairs to collect applications of well qualified Asians in the Professional category.	EEO Officer	Ongoing through FY09	Quarterly Reports/DHR
3. Review promotion/hiring monitors and agency vacancies to be filled.	EEO Officer	Ongoing through FY09	Monthly Personnel Reports

III. Area to be addressed:

Underutilization of persons with disabilities in the Agency by 16 employees.

Goal:

To attempt to increase the number of disabled employees to meet parity numbers suggested by Department of Human Rights.

Objective:

To resurvey the current workforce and provide surveys to new employees and attempt to recruit qualified disabled employees as applicable vacancies occur.

Action Item	Assignment of Responsibility	Completion Target Date	Monitoring Procedure
1. Send the Disabled Survey to current staff for an updated review.	EEO Officer	January 2009	Collect surveys and enter new data
2. Provide the Disabled Survey to any new employee.	HR Staff/EEO Officer	Ongoing through FY09	Quarterly Reports/DHR
3. Work in conjunction with disabled advocacy groups and CMS Disabled Program for referral of qualified applicants.	EEO Officer	Ongoing through FY09	Monthly Personnel Reports

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PROGRAMMATIC GOALS

FY 2009

PROGRAMMATIC GOALS

I. Area to be addressed:

Attempt to meet the underutilization goals for the Agency through EEO recruitment. The Department of Commerce and Economic Opportunity is committed to hiring /promoting well qualified minority and protected class individuals.

Goal:

To attempt to intensify recruitment activities to attract qualified minority, protected class and disabled applicants for employment in the official manager and professional job categories, with a focus on Region 1/Cook County.

Objective:

To identify and recruit qualified minority and protected class applicants for official manager and professional positions through participation in statewide employment/placement job fairs.

Action Item	Assignment of Responsibility	Completion Target Date	Monitoring Procedure
1. Work in conjunction with minority and protected advocacy groups for referrals of qualified applicants	EEO Officer	Ongoing through FY 09	Quarterly Reports/DHR
2. Send posting notices as vacancies occur to recruitment sources to obtain referrals for the application process	EEO Officer	Ongoing through FY09	Quarterly Reports/DHR
3. Review CMS eligible lists if the Agency has an opportunity to hire an official/manager or professional category from the list	HR Staff/EEO Officer	Ongoing through FY09	Eligible lists as applicable



SECTION 4

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DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT INVESTIGATION PROCEDURE

A. POLICY

The agency affirms its commitment to a policy of equal employment opportunity through the implementation of an EEO complaint investigation procedure to promote the internal resolution of employee complaints of alleged discrimination. It is the conviction of the agency that the establishment of this complaint investigation procedure shall provide an internal avenue of redress to informally resolve complaints of alleged discrimination at the lowest organizational level, reducing the backlog, delay and expense of a prolonged formal investigation.

To that end, the EO Compliance Manager and General Counsel shall advise and support management in the investigation of complaints, documentation of facts, the presentation of findings, and recommendations to resolve dispute.

The use of this internal EEO complaint investigation procedure does not preclude the rights of an employee to file a charge directly with the state (DHR) or the federal government (EEOC). The filing of any complaint of alleged discrimination may not be used as a basis for future retaliation adversely affecting the rights of any employee.

B. PROCEDURES

The DCEO Internal EEO Complaint Form (attached) shall be used to clearly record the date, nature and other pertinent information of the complaint of alleged discrimination submitted to the EO Compliance Manager.

All complaints alleging a violation of the equal opportunity provisions must be filed with the EO Compliance Manager within (10) working days from the alleged violation.

The EO Compliance Manager will forward the complaint within five (5) working days from the date of receipt of the complaint to the Department's General Counsel or designee who will process it and begin an investigation.

Copies of the complaint are kept in a confidential location on file with the Department's General Counsel and the EO Compliance Manager. Upon request, the EO Compliance Manager will provide technical assistance to the General Counsel or designee throughout the investigatory process.

Upon completion of the investigation, the General Counsel or designee will develop a written report of the investigation findings. The report will be sent to the Director for review. The General Counsel or designee will prepare and send a finding letter to both parties involved.

The employee also has a right to file a formal charge within 180 days of the alleged violation with the with the Illinois Department of Human Rights (IDHR) and/or within 300 days of the alleged violation with the U.S. Equal Employment Opportunity Commission (EEOC) concurrently with the filing of an internal complaint.

Addresses of governmental Departments which have responsibility for handling various discriminatory complaints appear below:

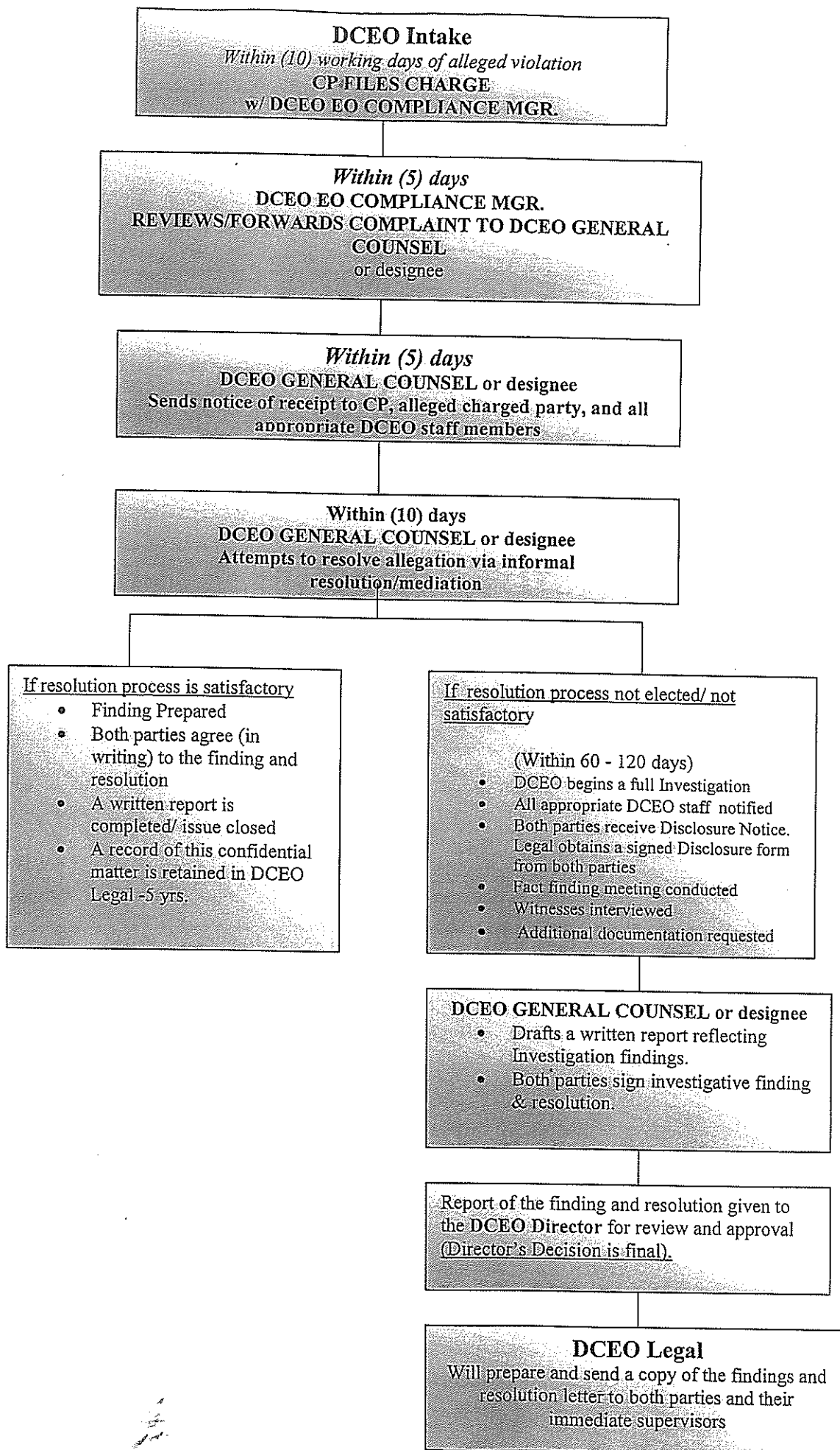
Illinois Department of Human Rights
222 South College, Room 101A
Springfield, Illinois 62704
217.785.5100
TTY 217.785.5125

Illinois Department of Human Rights
James R. Thompson Center
100 West Randolph Street, Suite 10-100
Chicago, Illinois 60601
312.814.6200
TTY 312.263.1579

Illinois Department of Human Rights
Marion Regional Office Building
2309 W. Main Street, Suite 112
Marion, Illinois 62959
618.993.7463

Equal Employment Opportunity Commission
500 West Madison Street, Suite 2800
Chicago, Illinois 60661
312.353.2713
TTY 312.353.2421

Equal Employment Opportunity Commission
1222 Spruce Street, Room 8-100
St. Louis, Missouri 63103
314.539.7800
TTY 314.425.6547





DCEO Internal EEO Complaint Form

All complaints regarding Equal Employment Opportunity should be filed with the DCEO EO Compliance Manager at the following address:

Victoria Dawn Benn, EO Compliance Manager
620 East Adams Street
Springfield, Illinois 62701
Phone: 217/524-2997
Fax: 217/524-0189
TTY: 217/785-6055
E-mail: Victoria.Benn@Illinois.gov

1. Name _____ Telephone _____
Work Location _____
Present Job _____

2. Date of alleged discriminatory practice or action _____

3. Basis of the alleged discriminatory practice:

- | | |
|---|--------------------------------------|
| <input type="checkbox"/> Race | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Sexual Harassment | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Age |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Other |
| <input type="checkbox"/> Ancestry | |

4. The discrimination occurred in connection with:

- | | |
|--|---|
| <input type="checkbox"/> Interview | <input type="checkbox"/> Compensation |
| <input type="checkbox"/> Hiring Selection | <input type="checkbox"/> Transfer |
| <input type="checkbox"/> Promotion | <input type="checkbox"/> Lay Off |
| <input type="checkbox"/> Downward Allocation | <input type="checkbox"/> Termination |
| <input type="checkbox"/> Disciplinary Action | <input type="checkbox"/> Training Opportunity |
| <input type="checkbox"/> Other * _____ | |

* Please explain within section 5 of this form.

5. The facts of the alleged discriminatory employment practice are:

(Continue on additional sheet, if necessary)

6. Name(s), Title(s), Work Location(s), and Telephone Number(s) of Person(s) who you believe discriminated against you.

Name	Title	Location	Phone No.
_____ Name	_____ Title	_____ Location	_____ Phone No.

7. Please supply supporting evidence to document the basis for the discriminatory practice you are claiming, as indicated in your response to section 3 of the form.

I have attached supporting evidence: ☐ Yes ☐ No

Describe: _____

8. Have you made an effort to resolve the discrimination through your supervisors, the grievance procedure, or with any public or private organization?

☐ Yes ☐ No

If yes, please explain, indicating the outcome of the efforts:

Complainant's Signature

Date Filed

DCEO EO Compliance Manager's Signature

Date Received

NOTE: To initiate a formal charge of discrimination, this form must be filed with the DCEO EO Compliance Manager **within (10) days of the alleged violation.**

Each employee also has the right to file a formal charge **within 180 days of the alleged violation** with the Illinois Department of Human Rights, **300 days** with the Equal Employment Opportunity Commission, or **180 days** after the alleged unlawful employment practice occurred pertaining to an Equal Pay violation. For Victim's Economic Security and Safety Act of 2003 (VESSA) claims arising after August 25, 2003, complainants may file with the Illinois Department of Labor.

Illinois Department of Human Rights
222 South College, Room 101A
Springfield, IL 62704
www.state.il.us/dhr
Telephone (217) 785-5100
TTY (217) 785-5125
TTY (312) 353-2421
OR
100 West Randolph
Suite 10-100
Chicago, IL 60601
Telephone (312) 814-6200
TTY (312) 263-1579
OR
2309 W. Main, Suite 112
Marion, IL 62959
Telephone (618) 993-7461

Equal Employment Opportunity Commission
500 West Madison Street
Suite 2800
Chicago, IL 60661
www.eeoc.gov
Telephone (312) 353-2713
TTY (312) 353-2421

Equal Employment Opportunity Commission
1222 Spruce St., Room 8-100
St. Louis, Missouri 63103
Telephone (314) 425-6547
TTY (314) 425-6547

Illinois Department of Labor
State of Illinois Building
160 North LaSalle Street, Suite C-1300
Chicago, IL 60601-3150

(866) 372-4365
Equal Pay Act of 2003

(312) 793-6797
Victims' Economic Security and Safety Act of 2003
(VESSA)

Please return the completed form, with copies of supporting documentation to the DCEO EO Compliance Manager.



SECTION 5

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Marion, Illinois 62959-1180

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ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY
AMERICANS WITH DISABILITIES ACT POLICY

It is the policy of the Illinois Department of Commerce and Economic Opportunity ("Agency") to comply with the provisions of the Americans with Disabilities Act, 42 U.S.C.A. Section 12101, et seq ("ADA"). The ADA prohibits discrimination against qualified individuals with disabilities on the basis of their disability. The ADA provides, in part, that qualified individuals with disabilities shall not be excluded from participating in or be denied the benefits of any programs, service or activity offered by this Agency.

The ADA requires that all programs, services and activities, when viewed in their entirety, are readily accessible to and usable by qualified individuals with disabilities. This Agency must communicate effectively with individuals with speech, visual, and hearing impairments and provide auxiliary communication aids to benefiting from the Agency's programs, services or activities to afford equal opportunity.

Should you wish to review the ADA or its interpretive regulations, ask questions about your rights and remedies under the ADA, request a reasonable modification to this Agency's policies, practices or procedures, or file a written grievance with this Agency alleging noncompliance with the ADA, please contact the Agency's Designated Coordinator for the ADA.

The individual that serves as the A.D.A. Coordinator for the Department of Commerce and Economic Opportunity is

Barb Call, Labor Relations Administrator
620 East Adams
Springfield, IL 62701
217.782.7515
TTY 1.800.785.6055

LABOR FORCE ANALYSIS FOR PEOPLE WITH DISABILITIES

Agency: Department of Commerce and Economic Opportunity

Fiscal Year: 2009

Total Employees: 419

Percent of people with
Disabilities in Illinois Labor
Force: 10.80%

Labor Force Number: 45

Number of Employees with
Disabilities in Agency: 29

Underutilization or Parity: 16

NUMERICAL GOALS FOR PERSONS WITH DISABILITIES

AREA TO BE ADDRESSED:

Underutilization in persons with disabilities.

GOAL:

To raise the percentage of disabled employees within the Agency.

OBJECTIVES:

To survey the current employees in the Agency.

Consider use of the CMS Successful Disability Opportunities Program.

To hire qualified disabled applicants as vacancies occur consistent with the job duties and responsibilities.

<u>Action Item</u>	<u>Assignment of Responsibility</u>	<u>Target Date</u>	<u>Monitor</u>
1. Send out disabled survey to employees.	EO Compliance Manager	01/09	Quarterly
2. Work with CMS Successful Disability Opportunities Program as vacancies occur.	EO Compliance Manager	Ongoing	Quarterly
3. Work with DHR Liaison to locate qualified disabled candidates.	EO Compliance Manager	Ongoing	Quarterly
4. Identify recruitment sources for people with disabilities including job fairs and referring job postings if applicable.	EO Compliance Manager	Ongoing	Quarterly

PHYSICAL BARRIERS

The Agency has no known physical barriers in the workplace as described below:

Facility Name/Barriers Identified

DCEO Springfield

CIPS Bldg and Bressmer Building
607 (3rd and 5th Floors only) and 620 East Adams Street
Springfield, IL. 62701
No physical barriers identified in the workplace

DCEO Chicago

James R. Thompson Center
100 West Randolph Street, Suite 3-400
Chicago, IL. 60601
No physical barriers identified in the workplace

DCEO Rockford

State of Illinois Building
605 Fulton Avenue, Suite 101
Rockford, IL. 61103
No physical barriers identified in the workplace

DCEO Marion

Marion Regional Office Building
2309 West Main Street, Suite 118
Marion, IL. 62959
No physical barriers identified in the workplace

PROCEDURAL BARRIERS

A. Pre-Employment Screening

The ADA prohibits an employer from making any pre-employment inquiries regarding an applicant's physical or mental disability.

According to the ADA, employers may ask about an applicant's ability to perform both essential and marginal job functions. However, employers may not refuse to hire an applicant with a disability because the applicant's disability prevents him or her from performing marginal functions.

Permissible Inquiries

- . Employers may describe or demonstrate the job function and ask if the applicant can perform that function with or without reasonable accommodation.
- . Employers may ask whether the applicant has a driver's license, if driving is a job function, but may not ask whether the applicant has a visual disability.
- . Employers may also ask an applicant (including one with a known disability) to describe or demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions. Generally, this must be asked of all applicants.

If an applicant has a known disability that may interfere with the performance of a job-related function, they can ask only that applicant.

Impermissible Inquiries

- . Employers may not use an application form that lists potentially disabling impairments and ask the applicant to check any of those which he/she may have.
- . Employers may not ask how often individuals will require leave for treatment, or use leave as a result of incapacitation because of their disability.
- . Employers may not ask about an applicant's prior workers' compensation history.
Employers may not ask about an applicant's prior workers' compensation history.
- . Employers may not ask if an individual has any disabilities or impairments which may affect their performance on the job.
- . Employers may not ask information about the types of medication an individual is taking.

B. Pre-employment Testing

DCEO does not conduct pre-employment testing.

C. Employment Criteria and Job Description Review

Any employment criteria established by the department to screen applicants should be reviewed before positions are filled to determine whether they would screen out applicants with disabilities. Employment criteria with a disparate impact on applicants

with disabilities should be examined to determine whether they are job-related. If such criteria are not job-related, they should be eliminated. Job descriptions should be reviewed before interviews are held to identify essential job duties.

D. Identification of Disabled Employees for Layoff Report

For purposes of preparing a departmental layoff report, disabled employees are identified through the Survey for Disabled Employees (form IL 442-0254). Employees who identify impairments on this form are to be considered disabled, and those who do not indicate any impairment are not considered disabled. The survey form contains a notice to this effect. Employees have the right to complete new survey forms at any time during their employment, should their disability status change.

E. Identification of an ADA Coordinator

F. Emergency Evacuation Procedures


The EO Compliance Manager provides emergency evacuation procedures periodically to employees with disabilities.

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY
REASONABLE ACCOMMODATIONS POLICY

In compliance with the U.S. Americans with Disabilities Act of 1990, the Illinois Human Rights Act and Section 504 of the Rehabilitation Act of 1973, it is the policy of the Department of Commerce and Economic Opportunity (DCEO) to reasonably accommodate the known physical or mental limitations of otherwise qualified applicants and employees with disabilities. DCEO recognizes the right of a qualified applicant or employee with a disability to request accommodation to the job application procedure and to any aspect of his or her subsequent employment with the agency.

It is the responsibility of DCEO to provide accommodations to qualified applicants and employees with disabilities, when such accommodations do not pose an undue hardship to the operation of the agency's business.

The agency Americans with Disabilities Act Coordinator can provide further information about the agency's policy in this area.



Jack Lavin, Director
Illinois Department of Commerce and Economic Opportunity

Date

10/1/08

ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

REASONABLE ACCOMMODATIONS POLICY

I. INTRODUCTION

The Americans With Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.* (ADA), prohibits discrimination against a qualified individual with a disability in regard to job application procedures, the hiring, advancement or discharge of employees; employee compensation; job training; and, other terms, conditions and privileges of employment. [Section 102 (a)]

An employer must make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity has demonstrated that the accommodation would impose an undue hardship on the operation of the business of such covered entity. [Section 102 (b) (5) (A)] However, each individual is responsible for initiating the request for reasonable accommodation, if such individual believes such accommodation is required to enable him/her to perform the essential functions of the job.

The policy and procedures set forth herein are also intended to meet the requirements of the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, para 1-101 *et seq.*) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as well as the ADA.

II. POLICY

In accordance with the law and regulations, it is the policy of the Illinois Department of Commerce and Economic Opportunity (hereinafter "DCEO"):

- to inform employees and applicants about DCEO policies and of the right to reasonable accommodations and
- to provide any and all such reasonable accommodations in the most cost-effective manner available unless it would impose an "undue hardship".

This policy is intended to comply with the applicable laws and is not intended to create any legal or contractual rights or obligations. For the purpose of this policy, the term "employee" shall include "applicant" and "prospective employee".

III. REASONABLE ACCOMMODATIONS COMMITTEE (RAC)

A. PURPOSE

The purpose of the RAC is to implement effectively this policy.

B. MEMBERSHIP

The RAC consists of the following DCEO employees:

Bridget Devlin	Human Resources Director
Warren Ribley	DCEO Operations Director
Victoria Dawn Benn	EO Compliance Manager
Barb Call	ADA Coordinator

C. DUTIES

The RAC provides technical assistance to IDCEO employees on technology, the ADA Title V of the Rehabilitation Act, accessibility standards and employee relations as it relates to requests or potential requests.

The RAC will maintain documentation regarding RAC requests in order to

- a. provide appropriate budget information and projected cost analysis for future budget cycles to the Budget Division;
- b. lend consistency to the system of the provision of accommodations and ensure nondiscrimination in the treatment of employees;
- c. ensure that requests are processed and approved accommodations provided in a timely manner;
- d. provide reports on employee accommodations and costs to regulatory agencies.

The RAC shall provide quarterly reports, including the above documentation, to the Director for his information/action. All reports shall be developed in a manner which protects the confidentiality of the employee.

IV. REASONABLE ACCOMMODATIONS

A. Reasonable accommodations means making modifications or adjustments to a job application process and the work environment that enables qualified applicants or employees to be considered for a position, to perform the essential functions of a position and to enjoy equal benefits and privileges of employment. ADA regulations: 29 C.F.R. 1630.2(o)(1)

B. Reasonable Accommodation may include, but is not limited to:

1. Making existing facilities used by employees readily accessible to and useable by individuals with disabilities.
2. Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or

devices; appropriate adjustment or modification of examinations, training materials or policies; the provision of qualified readers or interpreters; and, other similar accommodations for individuals with disabilities. Section 101(9) of the ADA.

- C. The determination of which accommodation is appropriate in a particular situation will be made on a case by case basis and involve the employer and employee in a flexible, interactive process whereby the employee identifies the precise limitations imposed by the disability and along with the employer explores potential accommodations that would overcome those limitations.

NOTE: The ADA permits employers to choose the accommodation which is lowest in cost if such accommodation provides a similar result to a more costly accommodation.

- D. Reasonable accommodations may be categorized in the following manner:

1. restructuring/modifications accommodations, include, but are not limited to: job restructuring by removal of non-essential tasks, job modifications, rearrangement of office furniture, removal of desk drawers, flexible time to allow for transportation and/or medical schedules, etc.;
2. technological/accessibility accommodations include but are not limited to: dictating machines, voice activated equipment, push button telephones, options, Telecommunication Device for the Deaf (TDD's), hand controls for dictating devices, speaker-phones, telephone amplifiers, teletypewriters (TTY's), typewriters, Braille typewriters, orthopedic desk chairs, and other adaptive office furniture, looping systems, etc., as well as architectural modifications. Some types of accommodations need not be on an individual basis if available at the work site and if used by two or more individuals will not impede job performance; and,
3. Assistive care accommodations include the utilization of additional persons such as readers, driver, interpreters and attendants who specifically assist an individual in performing the essential duties of the job.

Note: Reasonable Accommodations pertains only to the employee and does not include family members.

V. UNDUE HARDSHIP

- A. "Undue hardship" means significant difficulty or expense in, or resulting from, the provision of the accommodations. It refers to any accommodations that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the business of the agency.
- B. Whether an accommodation will impose an undue hardship must be analyzed on a case by case basis. Factors to be considered in determining whether an

accommodation would impose an undue hardship on IDCEO may include, but not be limited to: (1) the nature and net cost of the accommodation needed; (2) the overall appropriations of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility and the effect on expenses and resources; (3) the overall appropriation of IDCEO with respect to the number of employees and the number, type, and location of its facilities; (4) the type of operation or operations of the IDCEO, including the composition, structure and functions of the workforce of such agency, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the IDCEO; and (5) the impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to be able to perform their duties and the impact of the facility's ability to conduct business.

- C. A requested accommodation may be denied if it is unduly disruptive to other employees or to the functioning of the business of the agency. To demonstrate the accommodation may be denied if it is unduly disruptive, the disruption must result from the provision of the accommodation, not from the fears or prejudices of other employees toward the individual's disability. The terms of a collective bargaining agreement may be relevant.

VI. PROCEDURES FOR PROCESSING REQUESTS FOR REASONABLE ACCOMMODATIONS

- A. The determination of reasonable accommodations for qualified employees who require such to overcome a physical or mental impairment in performance of job duties must be conducted at the request and with the consultation of the employee.
 - 1. A person with a disability may be qualified for a position vacancy if the person satisfies the requisite skills, experience, education and other job-related requirements of the employment position, as set forth in standardized Department of Central Management Services requirements, and with or without reasonable accommodations can perform the essential functions of the job.
 - 2. Essential job functions vary with individual job descriptions and would include those physical, mental and inter-personal activities necessary to achieve the anticipated job performance effectively.
 - 3. A determination as to a reasonable accommodation for one person will not be treated as a precedent for another person.
- B. The employee must request any and all reasonable accommodations on a Request for Reasonable Accommodation form. The employee is responsible for adequately responding to all questions as applicable on the form. Once completed, the form shall be transmitted by the employee to the immediate supervisor, or by the prospective employee to the interviewing supervisor. The employee should retain a copy of the request form.

1. If requested by management, the employee shall submit medical documentation to support the need for the accommodation. When additional information becomes available, the employee should submit it in writing to the immediate supervisor for transmittal to the RAC.
 2. Technical assistance is available to the employee and supervisor(s) from the Human Resources Division upon request.
- C. The immediate supervisor or interviewing supervisor shall make a recommendation regarding the request within five (5) working days of receipt and forward the request to the appropriate Deputy Director who shall have five (5) working days to review and provide a recommendation on the request form.
- D. The Deputy Director shall forward the request to the Human Resources Office for review by the Reasonable Accommodations Committee (RAC).
- E. Unless the appropriate reasonable accommodation is so obvious to either or both the agency and the qualified individual with a disability, all reviewers and the Committee will, using a problem solving approach.
1. Analyze the particular job involved and determine its purpose and essential functions.
 2. Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;
 3. In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and,
 4. Consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the agency.
- F. All reviewers shall consider the request based on the following criteria: (1) the relationship between the accommodation and the essential job functions, (2) necessity, (3) cost effectiveness, (4) undue hardship to the agency, and (5) compatibility with existing equipment (where applicable).
- G. Within ten (10) working days, the RAC will act upon the request and report accommodations to the Director. If further information is required to make a recommendation, the employee shall be given thirty (30) days to provide such and the 10 working day time shall begin when the additional information is received.
- H. The Director will make the final decision within five (5) working days of receipt. A copy of the Director's decision and the RAC's recommendation will be returned by ADA Coordinator to the appropriate Deputy Director who will

coordinate implementing the approved request with appropriate staff. A copy of the Director's decision and the RAC's recommendation will also be sent to the employee by RAC within five (5) working days of receipt of the Director's decision.

- I. The time limits provided in this section may be extended up to thirty (30) days if circumstances warrant (e.g., absence of a person needed to make determination, additional information required, etc.).

VII. RECONSIDERATION

If the employee wishes to ask the Director to reconsider a decision on a Reasonable Accommodation request, the request shall be addressed to the Director within ten (10) working days of notification of the decision. The request shall include the reasons for the request and, if appropriate, alternative suggestions for reasonable accommodations. A decision shall be made and the employee notified within ten (10) working days of receipt of the request. The decision constitutes the final administrative action of IDCEO on the request.

VIII. IMPLEMENTATION

- A. When implementing the approved request, the appropriate Deputy Director shall provide the following:
 1. If the requested accommodation is within the restructuring or modification category, modify/restructure the job with assistance from the Manager of the Human Resources Division. When the supervisor, manager, appropriate Deputy Director and employee are all in agreement, the supervisor shall provide the accommodation; or,
 2. if the requested accommodation is of a technological/accessibility or assistive care nature, the appropriate Deputy Director will coordinate purchase of equipment or devices, or initiate contracts, with DCEO's ADA Coordinator within the Office of Human Resources. An employee who has been denied accommodation has the right to file complaint at the state level with the Illinois Department of Human Rights within 180 days of the denial of the request. An employee may also have the right to file a complaint with the U.S. Equal Employment Opportunity Commission, once the EEOC rules implementing the Americans with Disabilities Act become effective July 21, 1990.
- B. Expenditure Procedures
 1. In carrying out its expenditure obligation responsibilities, the Division of Financial Management relies on DCEO business unit managers to obtain all required approvals before making a commitment for expenditure of agency funds, to ensure that all purchases are consistent with State of Illinois and DCEO's procurement policies and procedures, and to initiate the steps required to encumber the funds through the Expenditure Planning and Control (EPC) system.

2. As part of the process for purchasing goods or services using agency funds, DCEO managers are required to initiate an entry for the planned purchase into the EPC system to commit the funds within DCEO's accounting system. Depending on the type of purchase, the business unit is also required to produce and approve an expenditure authorization (EA) document such as:
 - Contract Obligation (COs)
 - Data Processing Contract Obligations (DPs)
 - Purchase Requisitions (PRs)
3. In general, goods under \$10,000 and professional services not exceeding \$5,000 are procured on either a purchase requisition (non-EDP goods) or an EDP Purchase Request; any purchase exceeding those thresholds must be procured on a contract.
4. All expenditure authorization documents or contracts regarding reasonable accommodation requests should clearly reflect within the document that it is in fact a "reasonable accommodation" purchase.

PROCEDURES FOR DETERMINATION AND PROCUREMENT OF SPECIFIC SERVICES

A. Interpreter Services

1. Duties
In situations where other alternative accommodations (e.g., job restructuring, providing a telephone device for the deaf) are insufficient to allow the employee to perform essential job functions, the employee may request that services of a qualified sign language interpreter as a reasonable accommodation.

The duties of such a sign language interpreter may include the provision of sign language interpretation for office activities and meetings, conferences and training sessions, and telephone communications. The employee's immediate supervisor is responsible for the determination of work relatedness.

The provision of sign language interpretation to and from the work site, during meals or non-work related activities, is not the responsibility of IDCEO. Payment for these activities is the responsibility of the employee.

2. Procurement
Depending upon the nature of the request and if the request is approved, the Department will make every attempt to fulfill this request using internal sources. Otherwise, the Department will attempt to fulfill the request using appropriate outside sources.

B. Driver Services

1. Duties

Many positions require travel for the performance of essential job functions. When providing reasonable accommodation, the use of specialized public transit, more flexible time schedules, or limiting or eliminating travel requirements should be considered. In some cases, however, the provision of a driver may be necessary to enable the employee to meet more extensive travel requirements.

Transportation of the employee or driver to and from the work site, meals or non-work related activities is not the responsibility of IDCEO. Payment of these costs is the responsibility of the employee.

2. Procurement

Depending upon the nature of the request and if the request is approved, the Department will make every attempt to fulfill this request using internal sources. Otherwise, the Department will attempt to fulfill the request using appropriate outside sources.

C. Reader Services

1. Duties

Numerous technological advancements have made possible the development of devices designed to allow visually impaired persons the benefit of written communications. The Opticon, the Kurzweil Reader, Braille printers and typewriters, tape recording devices and reading aids are examples of these accommodations. Reader services include the reading of work-related materials to allow the employee to perform essential job functions.

2. Procurement

Depending upon the nature of the request and if the request is approved, the Department will make every attempt to fulfill this request using internal sources. Otherwise, the Department will attempt to fulfill the request using appropriate outside sources.

D. Attendant Services

1. Duties

In situations where alternative accommodations (e.g., job restructuring, technology) are insufficient to allow the employee to perform essential job functions, the employee may request, as a reasonable accommodation, the services of an attendant. The duties of such an attendant may include:

- a. physical assistance in telephone use and setting up assistive devices or other office equipment;

- b. physical assistance in transferring to and from the transportation modes and other assistance in the performance of job duties on travel status; and,
- c. other assistance directly related to their job duties.

The transportation of the employee or attendant to and from the work site, meals, or non-work-related activities is not the responsibility of IDCEO. Payment for these activities is the responsibility of the employee.

2. Procurement

Depending upon the nature of the request and if the request is approved, the Department will make every attempt to fulfill this request using internal sources. Otherwise, the Department will attempt to fulfill the request using appropriate outside sources.

X. VOUCHERING OF REASONABLE ACCOMMODATION EXPENDITURES

A payment to vendors or reimbursements to employees must be requested by the payee on an invoice. When the invoice is received in Financial Managements, it is matched to the appropriate EA, and we prepare a C-13 Invoice (See p. 36x). The C-13 must be signed by two persons in the approving Bureau; one of these is the Head of Unit. Approved vouchers are submitted to the Illinois Office of the Comptroller for issuance of a warrant to the payee.



State of Illinois Reasonable Accommodation Request for Employees

Pursuant to the requirements of state and federal laws, a qualified individual with a disability has the right to request reasonable accommodation in conjunction with his or her employment. Reasonable accommodation means a modification to work site, work process or work schedule that would enable a person with a disability to perform a particular job. Employers are not required to provide accommodations that would impose undue hardship on the operations of their programs. The procedures for accommodation request appear on the back of this form. Completed accommodation request forms along with current medical documentation should be submitted to the agency's Equal Employment Opportunity Officer/ADA Coordinator and the original documents should be submitted to the immediate supervisor. The agency EEO Officer/ADA Coordinator can respond to questions about the accommodation process.

Name	Job Title	Division	Telephone Number
Functional Limitations			

SPECIFY TYPE OF ACCOMMODATION NEEDED AND PROVIDE A DETAILED DESCRIPTION OF THE ITEM REQUESTED - PLEASE BE SPECIFIC

Purchase or modification of equipment or devices _____

Job restructuring or task modification _____

Provision of reader, sign language interpreter or personal assistant _____

Structural modification to work site or facility _____

Modification of work schedule or leave policy _____

Modification of examinations, training materials or personal assistant _____

Reassignment to vacant position _____

Other _____

Narrative Explanation

Describe how your functional limitation interferes with performance of a particular duty or participation in an activity sponsored by the employer. Explain how the requested accommodation would be used to enhance job performance or would allow you to participate in an employer-sponsored activity. (Use additional sheets if necessary)

Employee's Signature	Date
----------------------	------

RAC Recommendation (RAC's initials _____)	Grant	Deny	Date _____
Chief Executive Officer's Final Action (CEO's initials _____)	Grant	Deny	Return for _____
			Date _____
			Return for _____

Remarks _____

Accommodation Request Procedures for Employees

The following procedures should be followed in processing reasonable accommodation requests from employees. The agency EEO Officer/ADA Coordinator can provide guidance on the accommodation process.

1. The employee shall submit a completed reasonable accommodation request form along with current medical documentation to his or her immediate supervisor and give a copy of the form and medical documentation to the agency EEO Officer/ADA Coordinator. The employee should retain a copy of this information in his or her files.
2. Once received, the supervisor shall review the request form for completeness; insure that all applicable documents have been included and make a recommendation, in writing, to the Division Manager within five (5) working days of receipt of a properly completed form.
3. The Division manager shall review the supervisor's recommendation and make a recommendation to the Reasonable Accommodation Committee (RAC) within five (5) working days of receipt of the supervisor's recommendation. The Division Manager shall forward his/her recommendation along with the original reasonable accommodation request form and all documentation to the agency's EEO Officer/ADA Coordinator.
4. The EEO Officer/ADA Coordinator shall convene a meeting of the Reasonable Accommodation Committee within ten (10) working days of receipt of the Division Manager's recommendation. The RAC shall review the accommodation request. Once the Committee's review is complete, the Committee's recommendation shall be submitted to the Director within five (5) working days of the Committee's review for the Director's approval or denial.
5. The Director shall review the RAC's recommendation and shall render a decision of denial or approval within five (5) working days of receipt from the RAC.
6. Provided that appropriate medical documentation has been submitted, the EEO Officer/ADA Coordinator shall inform the employee in writing of the agency's decision to grant or deny the request within thirty (30) working days of receipt of the completed request form. A copy of the response will also be sent to the supervisor.
7. If the Director approves the accommodation request, the agency shall take appropriate action to comply with the accommodation request. Approved accommodation requests shall be implemented as soon as possible. Please note: The agency may offer alternative suggestions providing an equally effective accommodation to remove the workplace barrier in question.
8. Reconsideration: If an employee wishes to ask the Director to reconsider a decision on a reasonable accommodation request, a written request shall be addressed to the Director within ten (10) working days of notification of the decision. The reconsideration request shall include the reasons that a reconsideration is being requested and, if appropriate, alternative suggestions for reasonable accommodation. After a complete review of the matter, a decision shall be made and the employee shall be notified. The Director's decision on this recommendation shall constitute the final internal action by the Department on the accommodation request.
9. An employee who has been denied accommodation has the right to file a complaint at the state level with the Illinois Department of Human Rights within 180 days of the denial of the request. An employee may also have the right to file a complaint with the U. S. Equal Employment Opportunity Commission (EEOC).
10. The EEO Officer/ADA Coordinator shall document any action taken on a reasonable accommodation request where indicated on the request form and shall retain completed accommodation request forms one year following final action in the matter.

8/04



State of Illinois
Reasonable Accommodation Request for Applicants

Pursuant to the requirements of state and federal laws, a qualified individual with a disability has the right to request reasonable accommodation in conjunction with his or her employment. Reasonable accommodation means a modification to work site, work process or work schedule that would enable a person with a disability to perform a particular job. Employers are not required to provide accommodations that would impose undue hardship on the operations of their programs. The procedures for accommodation request appear on the back of this form. Completed accommodation request forms along with current medical documentation should be submitted to the agency's Equal Employment Opportunity Officer/ADA Coordinator and the original documents should be submitted to the immediate supervisor. The agency EEO Officer/ADA Coordinator can respond to questions about the accommodation process.

Name:	Interviewing Agency:
Home Address:	
Telephone:	Functional Limitations:

Type of Accommodation Needed

- ☐ Sign Language Interpreter for the Employment Interview
- ☐ Reader Service
- ☐ Accessible Interviewing Site
- ☐ Re-formatting of Examinations for Learning Disabled Applicant
- ☐ Examination Markers for Applicants with Limited Manual Dexterity
- ☐ Other (indicate type of accommodation needed) _____

Narrative Explanation

Describe how your functional limitation interferes with a portion of the preemployment process, e.g., applying, testing or interviewing. Explain how the requested accommodation would be used to enable you to complete the application process. (Use additional sheet if necessary).

Applicant's Signature:	Date:
------------------------	-------

Agency Action

Interviewing Officer's Determination

Grant ☐

Deny ☐

Remarks (If denied, provide explanation) _____

Final Agency Approval

Signature:	Date:
------------	-------

Accommodation Request Procedures for Applicants

Qualified applicants and employees with disabilities have the right to request reasonable accommodation under the law. Applicants may request accommodation to any stage of the application process, including the employment application, examination procedure or interviewing process. Once an individual with a disability has been hired, he or she has the right to request accommodation to the work site, work schedule or work process that would enable him or her to perform the job in question. Procedures for applicants to follow in making an accommodation request are listed below. The agency Equal Employment Opportunity Officer/ADA Coordinator can provide additional information about the accommodation process.

Procedures:

1. Applicants may request accommodations to the application process orally or in writing (either through correspondence or the use of the accommodation request form for applicants). If the request is made orally or through written correspondence, the agency EEO Officer/ADA Coordinator will complete accommodation request forms in the matter for purposes of processing and documenting the request.
2. Applicants shall submit accommodation requests to the EEO Officer/ADA Coordinator. In cases where the EEO Officer/ADA Coordinator completes the form for the disabled applicant, the EEO Officer/ADA Coordinator shall submit completed forms to the interviewing officer and retain a copy for him or herself.
3. A response to the request will be provided to the applicant within five days following receipt of the request by the interviewing officer.
4. If it is within the bounds of the authority of the interviewing officer to grant the request and he or she believes it to be reasonable, the accommodation will be provided. Information regarding the type of accommodation provided will be sent to the EEO Officer/ADA Coordinator.
5. If another official within the agency must be consulted in order for the accommodation to be provided, he or she will determine whether the agency will grant the request.
6. If the agency denies the request, the applicant has the right to file an internal complaint with the EEO Officer/ADA Coordinator and/or external complaint with the Illinois Department of Human Rights within 180 days of the denial. An applicant may also have the right to file a complaint with the U. S. Equal Employment Opportunity Commission (EEOC).

8/04

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY
EVACUATION PROCEDURES FOR THE DISABLED

Springfield Offices
620 East Adams and 607 East Adams

Floor Monitors/Fire Marshals will be responsible for proper evacuation of disabled personnel on each floor. If no sign of immediate danger is detected, these individuals will be evacuated to the inner halls of their floor. The Floor Monitor will assist and remain with disabled staff until further instruction is received from the fire department. Elevators will not be used to evacuate unless under the direction of the fire department. The fire department will be responsible for notification of "all clear" after evacuation.

Chicago Office
James R. Thompson Center/ 3rd Floor

Floor Monitors/Fire Marshals will be responsible for proper evacuation of DCEO disabled personnel on the 3rd floor. To ensure the safe staging of DCEO disabled personnel until the CMS Police arrive or assistance from Chicago fire department arrives, the Floor Monitor or DCEO staff assigned to assist the disabled will provide assistance and remain with disabled staff until safe evacuation. All disabled DCEO personnel requiring assistance will stage in the vending/lounge area on the 3rd floor (3-16) and will be evacuated as directed by the fire department.

Marion Office
2309 Main Street

Floor Monitors/Fire Marshals will be responsible for proper evacuation of disabled personnel on the main floor of the Marion Office. The Floor Monitor/Fire Marshall will assist and remain with DCEO disabled staff until further instruction is received from the fire department.

Illinois Department of Human Rights Disability Survey Form

The purpose of this survey is to collect affirmative action statistics. You are asked to voluntarily respond to this questionnaire, but you must sign below and provide the last four digits of your social security number to indicate receipt. Refusal to provide the information requested will not subject an employee to adverse treatment. The collected information provided will be kept confidential and will be used only in accordance to state and federal laws. You may contact the agency EEO/AA Officer if you have any questions regarding this form.

I. Do you have a disability?

YES _____ NO _____

II. If you have a disability, which of the following categories best describes it?

1. Low Vision or Blindness
2. Hard of Hearing or Deafness
3. Orthopedic Impairment
4. Cardiovascular Disorder
5. Mental Disorders
6. Nervous System Disorder
7. Respiratory Impairment
8. Loss of Limbs
9. Other (please specify) _____

III. Do you need assistance in the event of an emergency evacuation because of your disability?

YES _____ NO _____

An indication of a disability on this form is voluntary; however, you must sign below to indicate receipt.

"I acknowledge having received this form and understand I will not be considered Disabled for affirmative action purposes unless a disability has been indicated above."

Please Print Name _____

Signature _____

Date _____

Social Security Number [Last four digits only] _____

Agency _____



SECTION 6

Internet Address <http://www.commerce.state.il.us>

620 East Adams Street
Springfield, Illinois 62701-1615

217/782-7500
TDD: 800/785-6055

James R. Thompson Center
100 West Randolph Street, Suite 3-400
Chicago, Illinois 60601-3219
312/814-7179
TDD: 800/785-6055

2309 West Main, Suite 118
Marion, Illinois 62959-1180

618/997-4394
TDD: 800/785-6055

APPLICABLE EEO LAWS

The Federal and State Civil Rights law, rules, regulations, executive orders that impact the Department of Commerce and Economic Opportunity are identified below. Where there is a discrepancy between Federal, State or Local law - Federal law supersedes the latter two, unless State or Local law is more stringent.

FEDERAL LAW:

U.S. Constitution: Thirteenth Amendment (1865)

states: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the U.S., or any place subject to their jurisdiction."

U.S. Constitution: Fourteenth Amendment (1868)

states: "All persons born or naturalized in the U.S., and subject to the jurisdiction thereof, are citizens of the U.S. and of the State wherein they reside. No State shall make or abridge the privileges or immunities of citizens of the U.S; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The Civil Rights Act of 1866:

"All persons within the jurisdiction of the U.S. shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of property as is enjoyed by white citizens..." (enacted by Congress pursuant to the enabling provision contained in Section 2 of the 13th Amendment.)

The Civil Rights Act of 1870:

"All citizens of the U.S. shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property."

The Civil Rights Act of 1871:

"Every person, who, under color of any statute, ordinance, regulation custom or usage, of any State or Territory, subjects, or causes to be subjected, any citizen...to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the person injured..." (enacted by Congress pursuant to the enabling provision in Section 5 of the 14th Amendment.)

The Civil Rights Act of 1964 amended 1972, 1975, 1978 and 1980:

This Act is the most comprehensive statute on Civil Rights ever enacted in the U.S. It bans discrimination in voting rights, public accommodations, public education and federally assisted programs.

Title VI

"No person in the U.S. shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance."

Title VII

"It is unlawful for any employer with 15 or more employees to discriminate in employment on the basis of race, color, religion, sex and national origin." Nor can an employer limit, segregate or classify employees or applicants by race, color, religion, sex or national origin in any way that would adversely affect their employment status."

It is unlawful under the Act to retaliate against a person who has openly opposed an employer's discriminatory practices or who has filed a charge or assisted in an investigation of a charge.

In 1972 the Civil Rights Act was amended by making two significant changes: 1) to provide the U.S. Equal Employment Opportunity Commission (EEOC), the agency empowered to administer the law, the authority to enforce its provisions in federal court; and 2) to extend EEOC's jurisdiction to include public employers with 25 or more employees as well as private employers with 15 or more employees.

In 1975 the Civil Rights Act was amended by modifying Sec. 705(e) as it relates to the duties of the EEOC when preparing its report to the Congress and President, at the close of each fiscal year, to not only provide the action the commission has taken; but to also include the names, salaries, and duties of all individuals in its employ and the monies it has disbursed.

In 1978 the Civil Rights Act was amended to prohibit sex discrimination based on pregnancy. It required that women who were temporarily disabled due to pregnancy, childbirth and related medical conditions be provided the same benefits as those provided other disabled workers.

In 1980 the Civil Rights Act was amended by modifying Sec. 717(a) to include the General Accounting Office (GAO) under the coverage of the law.

The Civil Rights Act of 1991

The purpose of the Civil Rights Act of 1991 is to provide additional remedies to protect against and to deter unlawful discrimination and harassment in employment. In addition, it reverses several Supreme Court decisions that weakened federal anti-discrimination laws.

The most significant aspects of the law include the following:

Seniority Systems - for the purpose of filing a complaint, the statutes of limitations begin to run when the seniority system is adopted, when an individual becomes subject to the system, or when the individual is injured by the application of/or provisions of the system.

Glass Ceiling - establishes a Glass Ceiling Commission which will conduct a study and make recommendations on the elimination of barriers to advancement of women and minorities.

Consent Decrees - bars challenges, under certain circumstances, to legitimate consent judgments or orders resolving employment discrimination claims.

Jury Trials - when compensatory or punitive damages are sought under Title VII, the ADA or the federal employment provisions of Rehabilitation Act of 1973, any party may demand a jury trial.

Compensatory and Punitive Damages - the amount of damages that may now be awarded for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, or loss of employment, is limited to a maximum of \$300,000.

Other Monetary Awards - back pay and interest on back pay.

Fees for Experts - permits the inclusion of expert witness fees as part of an attorney's fee award.

Title I of the Civil Rights Act of 1968 provides for criminal penalties for interference with an individual's employment rights due to his/her race, color, religion or national origin.

Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of sex in all education programs or activities receiving federal financial assistance.

The Age Discrimination in Employment Act of 1967 amended 1978 and 1986. It was designed to protect workers between the ages of 40 and 65. The 1978 amendments serve to en-

large the protection afforded to workers in private industry and state and local governmental entities by extending the protection to age 70. This law is administered by EEOC.

In 1986, the Act was amended to remove the upper age limit. An employer cannot advertise jobs indicating a preference for, or limitation to, persons younger than age 40, such as "junior executives," or "recent college graduates."

The Age Discrimination Act of 1975

This act prohibits unreasonable discrimination on the basis of age in programs or activities receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972. This Act has no lower age limit and is administered by the Office of Civil Rights (OCR).

Age Discrimination in Employment Waiver Protection Act of 1989

This bill, SB54, as amended, will alter the Age Discrimination in Employment Act of 1967 to ensure that older workers are not coerced or manipulated into waiving their rights to seek legal relief under the ADEA.

The Waiver Protection Act provides that older workers may waive their ADEA rights in the absence of supervision only when settling a bona fide claim of age discrimination, which originated either by filing a charge with the EEOC, initiating a court action, or making a written allegation directly to the employer. Once there is a bona fide claim, the individual may settle the claim and waive ADEA rights without federal supervision as part of the settlement, provided certain basic protections are present when the waiver is executed.

The Rehabilitation Act of 1973

This Act prohibits discrimination against people with physical and mental disabilities except where the disability would prevent them from performing the major duties of the job. It also provides for affirmative action in the employment and advancement of qualified disabled people.

Section 503 requires federal contractors and their subcontractors to undertake affirmative action in the employment of qualified disabled individuals. The Office of Federal Contract Compliance Programs (OFCCP) has issued administrative guidelines and is responsible for monitoring compliance.

Back pay awards may be ordered in Section 503 suits.

Section 504 requires recipients of federal financial assistance to provide equal employment opportunity and equal service access to qualified disabled individuals. Executive Order 12250 requires each federal agency granting funds to issue Section 504 regulations and authorizes the Justice Department to coordinate Section 504 implementation. Section 504 confers a private right of action.

The Rehabilitation Act requires employers to "make reasonable accommodations to the physical and mental limitations" of employees and applicants who may be disabled. This obligation includes both alterations in physical facilities and modifications in the structure or scheduling of a job.

The Americans with Disabilities Act of 1990

This Act prohibits discrimination in employment, public programs/services and activities, public accommodations and telecommunications for persons with a mental or physical impairment. Different titles of the Act have different effective dates. (42 USC 12101, signed by President George W. Bush on July 26, 1990.)

Vietnam Era Veterans Readjustment Act of 1974

This federal law requires employers to provide equal opportunity to Vietnam veterans and to disabled veterans of any war and to take affirmative action to ensure such opportunities.

The Equal Pay Act of 1963, amended 1972, and 1978

This Act provides that an employer may not discriminate on the basis of sex by paying employees different wages for doing equal work on jobs requiring the same responsibility. The Act also prohibits reducing any employee's wage in order to come into compliance with the Act.

In general, any employee who is covered by the minimum wage provisions of the Fair Labor Standards Act (FLSA) is protected by this Act. In addition, the Act was amended in 1972 to include some employees not covered by the FLSA, such as executives, administrators, professionals, etc. Violation of this law, if determined to be intentional, can result in a back pay award covering a period which begins three years prior to the date of filing and ends when the award is made.

Under the law, employers may have differences in wage rates based on: (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production, e.g., piece rate; (4) any other bona fide differential.

This Act is enforced by the Equal Employment Opportunity Commission (EEOC.)

Intergovernmental Personnel Act of 1970

This Act ensures the fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex or religious creed and with proper regard for their privacy and constitutional rights as citizens. The United States Civil Service Commission (USCSC) administers the Act. USCSC may recommend remedial action, including the termination of grants to states and local governments after they have been given reasonable notice and an opportunity for a hearing, if the program fails to comply with the provisions of the Act. However, actual enforcement authority rests with the grantor agency.

The Family and Medical Leave Act (FMLA) of 1993

The FMLA, effective August 5, 1993, requires employers with 50 or more employees to provide up to 12 weeks of unpaid job-protected leave in any 12 month period to care for a newborn child, an adopted or foster child, a seriously ill spouse/child or parent or due to an employee's own serious health condition.

An employee's right to a leave for the birth, adoption, or placement of a foster child ends 12 months after the birth, adoption, or placement. If both spouses work for the same company, their total leave within any 12-month period may be limited to 12 weeks.

Section 3 of the Housing and Urban Development Act of 1968, as amended, provides that opportunities for training and employment funded by Community Development Assistance Program (CDAP) projects be given to lower income residents within the same location of the project. Also, contracts will be awarded to business concerns located within the same project area.

Section 109 of the Housing and Urban Development Act of 1974, as amended, provides that no person shall be excluded from participation, denied program benefits, or subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

Uniformed Services Employment and reemployment Rights Act (USERRA)

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. The US Department of Labor, Veterans Employment and Training Services (VETS) are authorized to investigate and resolve complaints of USERRA violations.

EXECUTIVE ORDERS

Executive Order 11063

This order provides that no person shall, on the basis of race, color, creed or national origin, be discriminated against in the provisions, rehabilitation or benefits of housing financed through Federal financial assistance.

Executive Order 11141

This Presidential Executive Order declares it a policy of the Executive Branch that government contractors not discriminate on the basis of age.

Executive Order 11246

This Presidential Executive Order has the force of law, requiring governmental contractors to have written Affirmative Action Plans and to set goals and time tables for increasing the representation of women and minorities in their workforce if they have been underutilized in the past.

Executive Order 11375

This Order expanded the coverage of Executive Order 11246 to include discrimination on the basis of sex.

The Drug-Free Workplace Act of 1988

This law prohibits the unlawful manufacture, distribution, dispensing, possession or use of controlled substances at the workplace, or while conducting business of the state.

STATE

Illinois Human Rights Act of 1980, amended 1986

An Act to promote the public health, welfare, and safety of the people of the state of Illinois by preventing unlawful discrimination in employment, real property transactions, access to financial credit, and public accommodations, by authorizing the creation of a Department of Human Rights to enforce the Act, and a Human Rights Commission to adjudicate allegations of unlawful discrimination, and by making uniform the law with reference to unlawful discrimination through the additional amendments and repeal of various Acts:

- (A) Freedom from Sexual Harassment in Employment and Unlawful Discrimination and Sexual Harassment in Higher Education. To secure for all individuals within Illinois the freedom from discrimination because of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.
- (B) Equal Opportunity /Affirmative Action. To establish Equal Opportunity and Affirmative Action as the policies of this state in all of its decisions, programs, and activities, and to ensure that all state departments, boards, commissions, and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of state government and in their relations with the public.

(Illinois Revised Compiled Statutes, Chapter 775 ILCS 5/1-101 et seq.)

Public Act 86-1411 - Supported Employees Act

A "supported employee" means any individual who:

- A) "Has a severe physical or mental disability which seriously limits functional capacities including but not limited to mobility, communication, self-care, self-direction, work tolerance, or work skills, in terms of employability as defined, determined and certified by the Department of Rehabilitation Services;" and
- B) "Has one or more physical or mental disabilities resulting from amputation; arthritis; blindness; cancer; cerebral palsy; cystic fibrosis; deafness; heart disease; hemiplegia; respiratory or pulmonary dysfunction; mental retardation; mental illness; multiple sclerosis; muscular dystrophy; musculoskeletal disorder; neurological and other spinal cord conditions; including stroke and epilepsy; paraplegia; quadriplegia and other spinal cord conditions; sickle cell anemia; and end-stage renal

disease; or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation."

It is the goal of the program to appoint 25 supported employees to state agencies prior to June 30, 1991.

The program also requires "state agencies, which fail to meet their Affirmative Action and Equal Employment Opportunity goals by Equal Employment Opportunity job category, to establish necessary training programs for preparation and promotion of the job category of individuals affected by the failure. An agency required to establish training programs under this subsection shall do so in cooperation with the Department of Central Management Services as provided in Section 67.30 of the Civil Administrative Code of Illinois."

Executive Order 15 (1999)

This Order reaffirms a commitment to a quality and diversified workforce

The Order directs the Department of Human Rights, the Department of Central Management Services, the Department of Employment Security and other state agencies to develop a recruitment plan that will reach all populations during efforts to fill vacancies

Each agency will designate a management level person to be responsible for coordinating the recruitment efforts. The Department of Human Rights will be responsible for monitoring and assessing the agencies in their recruitment and hiring efforts and in reporting the information to the Governor on their progress

Executive Order 16 (1999)

This Order instructs the head of each state department to do the following:

1. Insofar as possible, provide a work environment that is free of sexual harassment.
2. Develop a policy on sexual harassment according to the guidelines established by the Governor's Office.
3. Disseminate this policy to all employees.
4. Provide a sexual harassment training program for all supervisors.



Rod Blagojevich
Governor

Jack Lavin
Director

SECTION 7

Internet Address <http://www.commerce.state.il.us>

620 East Adams Street
Springfield, Illinois 62701-1615

217/782-7500
TDD: 800/785-6055

James R. Thompson Center
100 West Randolph Street, Suite 3-400
Chicago, Illinois 60601-3219
312/814-7179
TDD: 800/785-6055

2309 West Main, Suite 118
Marion, Illinois 62959-1180

618/997-4394
TDD: 800/785-6055



Illinois Department of Commerce and Economic Opportunity

Rod Blagojevich
Governor

Jack Lavin
Director

ING MONITOR

Section I (To be completed by designated agency personnel)

Name of Agency	ILDCEO	IDHR Region	
Facility/Unit		Candidate's Name	
Title of Job to be filled		Pay Grade	
Number to be filled		Position Number	
EEO Job Category		Employment Date	

1. Is this EEO Category underutilized? Yes ☐ No ☐ If yes, by which of the following :

African-Americans _____ Hispanics _____ Women _____ Asians _____ Native Americans _____ Disabled _____

2. Indicate: Sex of person(s) selected _____
Race of person(s) selected _____
Veteran or non-Veteran _____
Disability, if any _____

3. Number of individuals who applied or were on the list of eligible(s)

_____ were African American	_____ invited	_____ interviewed	_____ selected
_____ were Hispanic	_____ invited	_____ interviewed	_____ selected
_____ were Women	_____ invited	_____ interviewed	_____ selected
_____ were Asian	_____ invited	_____ interviewed	_____ selected
_____ were Native American	_____ invited	_____ interviewed	_____ selected
_____ were Veterans	_____ invited	_____ interviewed	_____ selected
_____ were Disabled	_____ invited	_____ interviewed	_____ selected
_____ were Undefined	_____ invited	_____ interviewed	_____ selected

4. If no candidates from any of the underutilized groups appeared on the list, what efforts were made in the last six months to assist in the recruitment of candidates?

5. If the category is underutilized and a member of an affirmative action group applied and was not hired give a detailed explanation for the hiring decision.

6. Was the position posted?

7. Name and position of person(s) who interviewed candidates.

8. Name and position of person(s) who recommended the selection of the candidate.

Section II (To be signed by agency EEO/AA Manager and Director or their designees)

I have reviewed the eligibility list and concur / do not concur with this hire. Remarks on reverse side.

_____ DCEO EEO/AA Manager

_____ Date

I approve of this hire.

_____ DCEO Director

_____ Date

No appointment will be processed without this form. [DHR Rules and Regulations Section 2520.770(i)]
D 9 (Rev 3-06)

Internet Address <http://www.commerce.state.il.us>

620 East Adams Street
Springfield, Illinois 62701-1615

217/782-7500
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Governor

Jack Lavin
Director

PROMOTION MONITOR

Section I (To be completed by designated agency personnel)

Name of Agency	ILDCEO	IDHR Region	
Facility/Unit		Candidate's Name	
Title of Job to be filled		Pay Grade	
Number to be filled		Position Number	
EEO Job Category		Employment Date	

1. Is this EEO Category underutilized? Yes ☐ No ☐ If yes, by which of the following :

African-Americans _____ Hispanics _____ Women _____ Asians _____ Native Americans _____ Disabled _____

2. Was the position posted? Yes ☐ No ☐

3. Number of individuals who applied or were on the list of promotable(s)

_____ were African American	_____ invited	_____ interviewed	_____ selected
_____ were Hispanic	_____ invited	_____ interviewed	_____ selected
_____ were Women	_____ invited	_____ interviewed	_____ selected
_____ were Asian	_____ invited	_____ interviewed	_____ selected
_____ were Native American	_____ invited	_____ interviewed	_____ selected
_____ were Veterans	_____ invited	_____ interviewed	_____ selected
_____ were Disabled	_____ invited	_____ interviewed	_____ selected
_____ were Undefined	_____ invited	_____ interviewed	_____ selected

4. Indicate the sex and race of the person(s) promoted.

Did it Change the employee's EEO Job Category? Yes ☐ No ☐

6. If the category is underutilized and a member of an affirmative action group applied and was not promoted give a detailed explanation.

7. Name and position of person(s) who interviewed candidates.

8. Name and position of person(s) who recommended the selection of the candidate.

Section II (To be signed by agency EEO/AA Manager and Director or their designees)

I have reviewed the eligibility list and concur / do not concur with this hire. Remarks on reverse side.

_____ DCEO EEO/AA Manager

_____ Date

I approve of this hire.

_____ DCEO Director

_____ Date

No appointment will be processed without this form. [DHR Rules and Regulations Section 2520.770(i)]
DHR-20 (Rev 3-06)

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Exit Questionnaire

Instructions: This questionnaire will be provided to all employees at the time of their separation from the Department whether voluntary or involuntary. The completion of this questionnaire shall be at the employee's option. Please send the completed form in an envelope to the DCEO Human Resources Director, 620 East Adams Street, Springfield, IL 62701. The DCEO EO Compliance Manager shall maintain a separate file of all forms for possible review by the Department.

Name _____ Age _____ Sex Male ☐ Female ☐

Physical or Mental Disability _____ Race _____

Date of Employment _____ Separation Date _____

Position
Title _____

Who was your immediate Supervisor? _____

Reason For Leaving: _____

Would you want to work here again? Yes ☐ No ☐

Explain: _____

Same Position? Yes ☐ No ☐

Explain: _____

Same Supervisor? Yes ☐ No ☐

Explain: _____

Do you feel the working conditions were satisfactory? Yes ☐ No ☐

Explain: _____

Were you satisfied with the pay you received for the work performed and with promotions?

Yes ☐ No ☐ Explain: _____

Were you satisfied with the supervision and were you trained properly?

Yes ☐ No ☐ Explain: _____

Did you personally experience any discrimination while working in your position?

Yes ☐ No ☐ Explain: _____

Are you aware of instances where others have been discriminated against:

Yes ☐ No ☐ Explain: _____

If you have answered "Yes" to the last two questions, have you discussed or given written notice of this discrimination to your supervisor or DCEO EO Compliance Manager:

Yes ☐ No ☐
Explain: _____

Additional
comments: _____

Employee Signature _____ Date _____

